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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,084

04/21/2005

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21874 7590 10/15/2010
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EXAMINER

WU, IVES J

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

10/15/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Supplemental
Notice of Allowability**

Application No.

10/532,084

Examiner

IVES WU

Applicant(s)

YASUMURA ET AL.

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1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/19/2010.
2. ☒ The allowed claim(s) is/are 1-3,5 and 9-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

DETAILED ACTION
EXAMINER'S AMENDMENT

(1). An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with *Attorney James Armstrong* on *October 12, 2010*.

The application has been amended as follows:

Claim 16 (Previously Presented): A separator for a fuel cell obtained by molding the conductive resin composition according to claim [[4]] **9**.

Claim 18 (Previously Presented): A separator for a fuel cell obtained by molding the conductive resin composition according to claim [[6]] **11**.

Allowable Subject Matter

(2). **Claims 1-3, 5 and 9-19** are allowed.

Reasons for Allowance

(3). The following is an examiner's statement of reasons for allowance:

Instant Application in condition of Allowance in view of the current Amendments limiting the component C - a (meth)acrylate to be a reaction product obtained by reacting a **polyether polyol having an aromatic cyclic structural unit and/or an aliphatic cyclic structural unit** with a (meth)acrylic acid in a conductive resin composition such that it overcomes prior arts of the record as per said prior art fail to teach or fairly suggest to use component C as claimed by Applicants.

Closest prior arts of the record – Okumura et al (US 20020055030A1) disclose separator for solid polymer type fuel cell, in that a vinyl ester resin or polyester (meth)acrylate resin is used as component , the polyester (meth)acrylate resin is unsaturated polyester and its oligomer is produced by adjusting the ratio of polybasic acid (in particular, saturated polybasic acid) and

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polyol. Another low-profile Agent includes polyester-series resins such as saturated aromatic polyester series resins, saturated aliphatic polyester resins, copolymerizable saturated polyester series resins having a polyoxylene unit, acrylic resins (e.g., homo- or copolymers having a C₁₋₁₀ alkyl ester of (meth)acrylic acid as a monomer, polyethylene-(meth)acrylic acid copolymer. However, polyether (meth)acrylate ester is unsaturated ester monomer as claimed by Applicants which do not fall into categories of polyester series resin disclosed by Okumura et al (US 20020055030A1). Butler (US 6251308B1) disclose vinyl- ester series resin, but not include the reaction product of polyether (with alicyclic or aromatic structure) polyol and (meth)acrylic acid. Hirai et al (US 20020132118A1) disclose urethane (meth)acrylate obtained by reaction of polyether polyol and (meth)acrylate together with diisocyanate compound.

To the end of this discussion, instant claims 1-3, 5, 9-19 are, therefore allowable and passed to issue as date of this Allowability Notice.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IVES WU whose telephone number is (571)272-4245. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner: Ives Wu

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Date: October 12, 2010

/Duane Smith/
Supervisory Patent Examiner, Art Unit 1797